



**COWI**

## ANNEX 8

European Union Agency for  
Fundamental Rights

The situation concerning homophobia  
and discrimination on grounds of sexual  
orientation in Germany

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# Foreword

[1]. Foreword

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- b. Expertise within LGBT area

Dominic Frohn: My expertise has evolved from a eight year history of diverse work in LGBT area:

- anti-discrimination training concerning LGBT area in schools
- counseling of LGBT persons and guidance of encounter groups (focus on elderly people)
- diversity management in commerce: work for equal opportunities and diversity
- science-based experience within LGBT area: research, talks, publications, especially research concerning situation, discrimination and psychosomatic disorders of LGBT people in the workplace

Patrick Stärke: I have worked in different LGBT areas, both in academia and in activism, for about four years:

- MA studies in gender and sexuality at the University of Amsterdam
- Junior Researcher at the European Sexuality Resource Center, Amsterdam
- prevention work, outreach and counseling for HIV/AIDS support and homosexuality
- research, talks, and publications on male-to-male sex work, same-sex marriage in the United States, migration and sexuality

- c. Precisely because the authors are two men it is important to emphasise that our expertise made us very sensitive in the field of gender fairness. We desire not to be dominating. Unfortunately, we are limited by the existing research which is often dominated by gay men. Lesbians, bisexuals and transsexual/transgender-persons are often underrepresented in German research (Gooß, 2003; Hark, 2000; Losert, 2004).
- d. The country-report describes the situation for LGBT people in Germany. It is necessary to point out that there are differences for LGBT people in Germany. In large cities for example disclosure is easier to realise than in the country. Moreover, there are differences in the federal states in Germany. We intend to depict the situation in Germany as a whole but sometimes it is necessary to focus on a federal state, for example North Rhine-Westphalia, because on the one hand it is the biggest state and on the other, there exists a very good structure and networking of NGOs.
- e. In general, it is pivotal to stress that in January 2008 the European Commission did initiate an infringement procedure concerning the implementation of EU rules prohibiting discrimination in national law against Germany.

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## Executive summary

[1]. Below, a short synopsis is given on the main findings and most important results of the study:

A. Attitudes towards LGBT people

Homophobia represents a relative stable variable in Germany: About one third of German population is hostile to LGBT-persons. In particular, homophobia in youth appears to be very prevalent.

B. Criminal Law - Hate Crime

Nearly every LGBT person in Germany has experienced homophobia. Specifically, younger LGBT people become victims of hate crimes. Police involvement, moreover, is marked by high underreporting.

C. Freedom of Assembly

There are no political or legal restrictions given in regard to LGBT organisations and groups in Germany. However, taking into account the spatial dispersal of organisations there still prevails an imbalance between rural and urban locales in Germany.

D. Family and Other Social Issues

The family of origin constitutes the arena where most LGBT persons' coming out takes place. Findings indicate that this stressful period in adolescent life is further complicated by ambivalent attitudes towards non-heterosexuality on the side of parents. Yet LGBT youth groups facilitate support and counselling to the young in need. Civil unions have been accessible to same-sex couples since 2001. However, adoption rights need to be enhanced for German law affords the adoption of stepchildren only.

E. The Labour Market

The situation for LGBT people in the workplace appears to be very complicated: More than half of LGBT employees do not talk about their sexual orientation with their colleagues, and homophobia in the workplace is still prevalent.

#### F. Asylum and Subsidiary Protection

Germany grants asylum to LGBT persons who are in fear of persecution in their country of origin due to their sexual orientation. However, institutional practices of the German agency for migration and refugees are characterised by insensitivity towards and negligent conceptualisation of aspects of gender, sexuality and sexual orientation.

#### G. Family Reunification

Civil union law has substantially enhanced the situation of binational couples and their families. However, some obstacles have remained in regard to adoption rights as well as there are discriminatory practices by public institutions in charge despite official legal protections and provisions. These are based on a double discrimination in terms of sexual orientation and ethnicity.

#### H. Education

The period of primary education for LGBT people can be characterised as one of the most difficult phases of life because homophobia in youth constitutes a pretty powerful issue. In general, sensitivity towards LGBT issues in education appears to be very low.

#### I. Health Service

The German health care system does not consider specific needs of LGBT people at all. At the same time, however, any form of unequal treatment is officially prohibited in terms of access to health care. Studies show that many LGBT people remain closeted during contact with health institutions due to fear of discrimination.

#### J. Religion

Traditional Christian congregations, particularly Catholic ones, represent a firm and very productive site of opposition towards LGBT people and their ways of living. Homophobia therefore takes place on the three levels of official church institutions, on the level of local communities and individual members of the Catholic Church in Germany.

#### K. Sports

Discussing the most favourite German team game of football reveals that homophobia is highly prevalent in the arena of mainstream and

professional sports. In consequence, sports is characterised by fear of disclosure of gay and lesbian players and intense discrimination on the side of fans and institutional structures.

L. Media

Media depictions of LGBT persons, their lives, and the fictionalisation of the two in different media are manifold and thus marked by both a hopeful and progressive, as well as a fearful and reductive momentum.

M. Transgender persons

Trans-people have recently gone public with their special situation. This, indeed, occurs earlier than before and there appears to emerge a process of diversification within trans-cultures. In particular, for trans-people the Internet has become a very important medium for exchange, communication and counselling.

N. Multiple discrimination

Multiple discrimination in Germany appears to be executed along different lines. Most noteworthy ethnicity, age, and disability as entwined with the dimension of sexual orientation have afforded heightened stigma and problems in persons in concern.

O. Good practices

For an overview of good practices please consult the annex which renders concise insights into worthwhile initiatives, programmes, projects and so forth.

P. Other areas of concern

In Germany there prevail gaps of information, data and research on lesbian, bisexual and trans-issues which is less so in regard to undertakings on gay topics. Moreover, discrimination is not only afforded by heteronormative German culture but also executed among different groups within LGBT communities.

## A. Attitudes towards LGBT people

[2]. First and foremost, attitudes towards LGBT people and attitudes towards minorities in general represent a very difficult topic field in research because the measurement of attitudes is hampered by social desirability responses. Therefore, some researchers in Germany try to measure attitudes toward LGBT people with the IAT [implicit association test] (Steffens, 1999; Seise, Banse, Neyer, 2002). The IAT seems to be a good method for the measurement of homophobia.

- Findings of the Eurobarometer: 26% of the German respondents report that they have friends or acquaintances who are homosexuals. Compared to people who have friends or acquaintances that belong to other discriminated groups this finding is very low. Therefore, a high sensitivity for discrimination on the ground of sexual orientation remains absent: Only 31% of the German population think that this type of discrimination is widespread.

52% of German respondents say that marriage should be allowed for same-sex couples in every European country. In contrast, only 42% state that adoption rights should be granted to gay and lesbian couples.

- Findings from national research: The IKG-study concludes that homophobia is a relative stable variable in Germany (Institut für interdisziplinäre Konflikt und Gewaltforschung [IKG], 2006): In 2006 one third of the German population say that two homosexuals kissing is disgusting [2006: 32.2%; 2004: 38%; 2002: 33.3%].
- Moreover, homophobia in youth appears to be very prevalent: Iconkids & youth (Barlovic, 2002) states that in 2002 71% of the boys and 51% of the girls say “I don’t like gays and lesbians (at all).” [“Schwule und Lesben finde ich (überhaupt) nicht gut.”] This represents a significant increase: In 1998 only 28% of the girls and 41% of the boys select this answer.
- Simon (2007) found that there are different dimensions of homophobia in German youth depending on their migration background: Youth with Turkish or Russian background tend to be more homophobic than German youth. For example, 47.7% of German boys reported that two men kissing is abhorrent in contrast to 75.8% of Russian and 78.9% of Turkish boys. In contradistinction, 73.9% of the German male youth agrees with the item “Gays and Lesbians should have the same rights as heterosexual persons.” Only 46.6% of the Russian and 37.5% of the Turkish male youth agree with this statement.



- What is more, there are gender differences with respect to homophobia in Germany: Seise et al. (2002) and most other researchers found that women in general are less homophobic than men. Furthermore, in both groups the homophobia towards same-sexed people is higher than towards homosexual people of the other sex.
- Most researchers see less contact to or little knowledge of LGBT issues as the reasons for homophobia (Simon, 2007; Ministerium für Frauen, Jugend, Familie und Gesundheit des Landes Nordrhein-Westfalen [MFJFG], 2000): The majority of people in North Rhine-Westphalia think that they come across gay men and lesbian women very rarely or even not at all. Consequently, 76% persons wish to get more information or a special kind of sex education concerning LGBT issues.
- As a consequence of these results, good practices do facilitate contact to LGBT people and generate more knowledge of LGBT issues, for example:
  - a. *LSVD [Lesben- und Schwulenverband Deutschland*, Germany's biggest association for LGBT rights] and its anti-discrimination campaign concerning LGBT issues and migration including poster, flyer, a comprehensive brochure, discussion meetings or special groups for LGBT with migration background (cf. Annex 1.1).
  - b. Based on the credo “per scientiam ad justitiam” the association *Queer Nations e.V.* facilitates research concerning LGBT issues and generates more knowledge (cf. Annex 1.2).
  - c. *SchLAu NRW [Schwul-Lesbische Aufklärung in Nordrhein-Westfalen*, LGBT education in North Rhine-Westphalia] is a group of 80 honorary workers that organise anti-discrimination trainings in schools, youth organisations etc., and thereby seem to achieve attitude changes (Timmermanns, 2003) (cf. Annex 1.3).

## B. Criminal Law - Hate Crime

- [3]. In the German context, one very extensive study is available which analyses hate crime and violence against gay and bisexual men (MANEO, 2007). Unfortunately, there is no such study for lesbian women or transgender-persons. A specific survey which analyses discrimination of and violence against lesbians was conducted in North Rhine-Westphalia (MFJFG, 1999).

- Findings of MANEO-study (2007) with 23,949 respondents:

The three most often reported types of hate crime are harassment/defamation (39.4%), threat (14.4%) and interpersonal restraint (13.6%).

Most hate crimes take place between 9 and 12 p.m. in a location which is familiar to the victim: 34% know the location well and 51% very well. Most situations happen in the street/in public places (45%) or on (local) public transportation (15%). The other 15% of the respondents say that the hate crimes take place in school or in the workplace (see below: H. Education and E. Labour Market).

The reported age of the most perpetrators (54%) range from 18-24 years. In 49% of the cases the perpetrators are not very conspicuous, but some victims say that the perpetrators seem to be right wing extremists (7%) or appear to be ethnic (16%).

Physical violence is reported without (9.7%), with light (4.6%) and with massive physical injury (1.3%). Respondents under the year of 18 report much more physical violence:

physical violence	physical injury	respondents - 18 years	all respondents	no police involvement
	without	29.1%	9.7%	80.9%
	with light	14.5%	4.6%	55.7%
	with massive	3.9%	1.3%	30.8%

Only 19.1% of the respondents who experienced physical violence (without physical injury) reported the offence to the police. 45.3% of the victims with light injuries and 69.2% of the gay and bisexual men with massive injuries reported the offence. In general 92% of the respondents who experienced hate crimes without physical injury did not inform the police.

Some of the respondents say that they are afraid of the police. Often the victims declare that they would not be taken seriously by the police. As a result, the victims tend to trivialise the situations of experienced hate crime.

One resume of the study constitutes a high underreporting, and the fact that hate crimes on the ground of sexual orientation are not registered in German police statistics. Although there are specific contact persons in big police departments of some federal states, there should be more sensitivity for discrimination of LGBT people in general. Education of police officers seems to be indispensable.

- Findings of the MFJFG-study (1999) with 757 respondents:

94.5% of the interrogated lesbian women experience homophobia in form of ridicule, and verbal, and psychological violence. 43.7% of the lesbians report gender-based violence. Moreover, about 10% of the respondents say that they were victims of physical violence.

Similar to the MANEO-study, younger respondents report more homophobia, discrimination and harassment.

In particular, physical violence occurs in public places, gender-based violence occurs mostly in public places and in the workplace or in school. Verbal and psychological violence also takes place in the family or in circles of friends or acquaintances.

65.4% of the perpetrators are German and 29.9% are perceived as ethnic.

- There are no special police hate crime units or an elaborated registration of hate crimes by the police or courts. In our judgement this is a specific German issue afforded by National Socialism. During that period especially gay men, but lesbian women as well, were persecuted which brought about a special system of registration called “Rosa Liste” [pink register] as the basis for persecution.

Due to this cruel history in Germany people are very sensitive towards any kind of registration in terms of sexual orientation and, moreover, registration by the police in particular would not be accepted.

- For this reason, good practices in the subject area of hate crime are predominantly located in civil society:
  - a. *Anti-Gewalt-Arbeit NRW* [anti-violence-work in North Rhine-Westphalia] is a department funded by Ministry for Intergenerational Affairs, Family, Women and Integration of North Rhine-Westphalia with the following challenges: Counselling of LGBT people who experienced violence on the one hand, and public relation on the other (cf. Annex 1.4).
  - b. *MANEO – Das schwule Anti-Gewalt-Projekt in Berlin* [MANEO – the gay Anti-Violence-Project in Berlin] identifies the following challenges: Counselling of and support for gay and bisexual men who experienced violence on the one hand, and prevention or public relations (for example “*Kuss-Marathon* [Kissing-marathon]: *protect every kiss*”) on the other (cf. Annex 1.5).

## C. Freedom of Assembly

- [4]. In Germany LGBT organisations are characterised by legally and politically unrestricted operation and somewhat acceptable funding. Since the LGBT movement has developed institutional structures and, moreover, become reputable contemporary LGBT manifestations are financed by public funds. Additional sources of remunerations constitute donations and membership rates. Yet it is noteworthy that there is an imbalance with respect to the establishment of LGBT organisations, such as community centres or support groups, within the country. This is afforded by an urban-rural divide which also brings about divergent patterns of social acceptance and financial support. Put differently, in some rural communities there may prevail a higher degree of social and structural restrictions against the formations of LGBT institutions. However, this observation is an anecdotal one; research, statistics and surveys have not covered this issue.

## D. Family and Other Social Issues

- [5]. Most noteworthy, ever since the civil union act was adopted in 2001 the area of family and social issues has been in progress. Although it actually is characterised by some inequalities in relation to heterosexual marriage, the civil union act has been enhanced step by step.
- It is important to focus on the treatment of LGBT people within the context of coming out in their families. This specific phase of live is fundamental for LGBT people and a marker of difference in comparison to other minorities. In most cases other, minorities live as youth in a family, which belongs to the same minority. LGBT youth are confronted with a much more difficult situation: through coming out they become strangers to their first reference group.  
The age of coming out decreases (Niedersächsisches Ministerium für Frauen, Arbeit und Soziales [NMFAS], 2001; Senatsverwaltung für Schule, Jugend und Sport [SENSJS], 2001; Watzlawik, 2003). As a consequence, coming out now oftentimes takes place when the gay, lesbian or bisexual youth is still living with his/her parents. The fact that coming out occurs earlier is not equivalent to an easier process of self-discovery: coming out generates severe psychological stress (Frohn, 2005; NMFAS, 2001; SENSJS, 2001; Watzlawik, 2003). The treatment within families appears to be relatively challenging: Most boys and girls do not have any (or any positive) information about homosexuality (SENSJS, 2001). Moreover, the attitude of parents towards homosexuality is not very affirmative: About 42% of mothers and about 20% of fathers have an affirmative attitude according to the appraisal of the youth (SENSJS, 2001). A study concerning gay boys shows that siblings are more supportive than parents (NMFAS,

2001). Some German studies attest a comparatively higher suicidal tendency in LGB-youth (for example SENSJS, 2001: four times higher: 18% of gay, lesbian and bisexual boys and girls answer that they attempted to commit suicide when they had problems with themselves).

However, today there is more support within LGBT youth groups and specific counselling (face-to-face or online, Schule ohne Rassismus [SOR-SMC], 2007; Situation in school etc. see below: section H. Education).

- In 2001 the national civil union act was implemented in Germany. Whereas the law bill represents a milestone of progress in the field of LGBT rights it is, however, not entirely equal to marriage law for heterosexual couples. As a consequence, certain provisions that are taken-for granted in marriage do not apply to civil unions: whereas the adoption of one's partner's biological children is possible (stepchild adoption) general adoption is not granted (Deutscher Bundestag, 2006). In addition, this status quo is further complicated for binational relationships (see G. Family Reunification).
- LGBT participation in housing, welfare services, insurance and employment benefits constitutes a vast and fractioned field in Germany. With regard to housing and access to housing, most LGBT people compete with mainstream culture in the German private housing market. Given divergent attitudes towards non-heterosexuality, discriminatory practices are part of the parcel in cases where disclosure occurs and negative attitudes prevail. Moreover, the German General Law for Equal Treatment (*Allgemeines Gleichbehandlungsgesetz* [AGG]) does not consider private housing as an area for anti-discrimination provision (AGG, 2006). However, the law bill covers all other aforementioned aspects (see I. Health Service for details on health insurance). Yet the implementation and operationalisation of equality provisions proceed at different paces in the various arenas. For instance, with respect to employment benefits not all federal states have equalized benefits for persons in public office who are engaged in a civil union in comparison to heterosexual couples. Specifically, allowances, benefits for travel, moving and separation, and special leaves are unequally considered among public offices (LSVD, 2008a). Therefore, the German situation is marked by a cleavage between theoretical legal directions and institutional provisions and practices.
- Taking into account recent anti-discrimination provisions induced by the AGG, the treatment of LGBT families by public authorities is supposedly characterised by respect and acceptance. The European Commission perceptively points out that local and regional public authorities play a key role for the realisation of anti-discrimination directives due to their operation at the basis of society; they have intensive contact with citizens which renders them as agents of potential change (Europäische Kommission, 2005). Yet the everyday treatment of LGBT families by public authorities in Germany might not be as positive as desired. In the past, there have been many instances of discriminatory practices against

LGBT persons and their families executed by public institutions in the legal field, the police, schools, and institutions for naturalisation (Die Grünen, 2004; van Leeuwen, 2001; cf. section F. Asylum and Subsidiary Protection, and H. Education). As a result, the implementation of anti-discrimination directions needs to be advanced in such a way that every community and public authority within Germany becomes sensitised towards issues of discrimination of LGBT families.

- Political debates about family issues related to LGBT people are a very difficult topic. Specifically, the conservative party in Germany (CDU/CSU, Christian Democratic Union/Christian Social Union) adopts a critical position concerning civil unions in relation to heterosexual marriage. In particular, rainbow family issues or adoption, and adoption of stepchildren respectively, divide political parties in Germany: The conservatives opine that heterosexual marriage must be protected, enhanced and privileged. In their view, civil unions degrade heterosexual marriage and gay or lesbian parenting; especially adoption (of stepchildren) is conceived as immoral. Constantly, they bring forward the argument that homosexual parenting is detrimental to the (psychological) well-being of children (for example Deutscher Bundestag, 2007). To the conservative party the “well-being of children is in no way warranted” in a rainbow family. For this reason, Bavaria filed an action against the adoption of stepchildren in civil unions (Tagesspiegel, 2006).
- Good practices: Research and counselling/support groups:
  - a. The Study “Children in same-sex partnerships” [“Kinder in gleichgeschlechtlichen Partnerschaften”] conducted at the University of Bamberg is an extensive study funded by Federal Ministry of Justice. It is the first study with an evaluation of the actual number and situation of rainbow families in Germany (cf. Annex 1.6).
  - b. Counselling/support groups: As a result of counselling situations, some of the LGBT-counselling centres there have developed support groups for LGBT-people with the desire to have children or groups for rainbow families (cf. Annex 1.7).

## E. The Labour Market

- [6]. Labour market actually is marked by a development process in regard LGBT issues: a very extensive study was recently conducted (Frohn, 2007), some new alliances or LGBT groups have emerged, and diversity management activities

prosper (Koellen, 2007) which all have afforded a good deal of positive impulses for change.

- In Germany there exists the federal centre against discrimination (*Antidiskriminierungsstelle des Bundes* [ADS]). The official homepage was launched in November 2007. The challenging tasks of the department constitute public relations, research and counselling. The statistics of official complaints of the department shows that in a period of five months (July-December 2007) there were 3659 enquiries, but only 5.16% (ADS, 2008) included questions concerning sexual orientation. Taking into account that the Internet presence has existed since November, under particular scrutiny, the data must be considered as preliminary and not strictly valid.
- The quantity and quality of homophobia, discrimination on grounds of sexual orientation, and conditions of LGBT people in the labour market was analysed in the study *Out im Office?! (Frohn, 2007)*, a survey of 2230 gay and lesbian employees:

About 52% of gay and lesbian employees do not talk (10.1%) with their colleagues or only with a few, selected colleagues (41.8%) about their sexual orientation. Even more, disclosure towards supervisors/executives is much lower (65.1% do not talk/talk with a few selected supervisors/executives).

Unequal treatment/discrimination of gays and lesbians in the workplace:

Type of Discrimination:	Experience Rate:
not being taken seriously anymore	26.6%
ignoring person or his/her sexuality	29.7%
termination of contact/social exclusion/isolation	21.9%
work impediments/career blocking	18.8%
less information/exclusion from communication	17.5%
useless work assignments/improper criticism/bad performance appraisal	11.5%
idle talk/whispering/rumouring	54.6%
objectionable interest in private life	34%
mocking/ridiculing	44.4%
name-calling/defamation	23.3%
threat of outing/blackmailing	10%
bullying/psychological terror	21.6%
damage to property	5.5%
physical aggression	8.3%
sexual allusions	31.3%
fear of sexual enticement	26.5%

sexual harassment	6.7%
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Moreover, 27.9% of the respondents say that they have been unequally treated in the areas of appreciation, performance-pressure, advancement, further training, earnings, and/or holiday. Discrimination with direct consequences for employment on the ground of sexual orientation is reported by 11.6% of the respondents: displacement (2%), notice of termination of work contract (3.9%), and/or not being engaged (7.8%).

What is more, the study illustrates differences in specific branches: for example the military, churches or corresponding organisations do not establish an atmosphere of acceptance for LGBT people. The disclosure in such branches is much lower than in social organisations, in marketing, sales and distribution or NGOs, for instance.

A very important finding of the study pertains to the fact that diversity management activities and an open-minded culture (including partner benefits, for example) have an influence on the openness of the employees. As a result of the study, openness/disclosure itself influences work attitudes like commitment and job satisfaction.

- For a better understanding consider the following example of discrimination in the workplace which was reported by *Anti-Gewalt-Arbeit NRW* in 2008: A lesbian woman of Turkish origin (which hints at multiple discrimination) who worked in a cleaning company was discriminated against in diverse modalities: very vulgar name-calling (especially by a Turkish co-worker), pornographic pictures in her wardrobe, physical assaults (a colleague made her stumble) etc. When she issued a complaint she tendered notice of cancellation.
- Good practices
  - a. Labour unions: Some labour unions are very dedicated to LGBT issues: For example, there exists a *Rainbow-Group* of LGBT people at *ver.di* (*Vereinte Dienstleistungsgewerkschaft* [one of the largest, independent trade unions]) which organised a sizable conference in 2007 entitled: human dignity desires respect of diversity (in co-operation with LSVD and Queer Nations [see above]) (cf. Annex 1.8).
  - b. Industry in co-operation with German government developed the *Charta der Vielfalt* [government and industry diversity charter initiative] which raises awareness on diversity and inclusion. The objective is to invite other companies to participate in the



initiative. The first signees are *Daimler Chrysler*, *Deutsche Bank*, *BP* and *Deutsche Telekom*. The federal Chancellor of Germany Angela Merkel is patron of the initiative (cf. Annex 1.9).

- c. NGOs: There are professional associations of LGBT people in the workplace in Germany: Specifically, the association for gay managers *Völklinger Kreis* or the pendant for lesbian women *Wirtschaftsweiber* are two associations with about 1000 members altogether. There are many events they organise: conferences, meetings, workshops etc. The *Max-Spohr-Preis*, a special award for equal opportunities concerning sexual orientation in the workplace, is given by *Völklinger Kreis* to organisations with equal treatment of LGBT people (cf. Annex 1.10).

## F. Asylum and Subsidiary Protection

[7]. In regard of the entanglement of homosexuality and asylum seeking there are, unfortunately, no quantitative investigations available in the German context. This definitely represents a form silencing since various data on asylum and refugee seekers become published by the German Federal Agency for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* [BAMF]) in terms of sex, age, duration of stay, a specification on the federal state of residence within Germany, and the country of origin (BAMF, 2008a, 2008b). Put differently, the dimension of sexual orientation has remained absent from surveys and studies undertaken on the given topic. However, German law does consider both sex and gender as viable aspects of potential discrimination and persecution in countries of origin which make an application for asylum plausible and necessary (LSVD, 2008b). In accordance, it thus resonates with the 1951 United Nations Refugee Convention which conceptualized sexual orientation under the wing of “a particular social group” (UNHCR, 2008, 16). Yet specific issues arise from current implementing of German law with respect to non-heterosexuality and refugee or asylum seeking status:

- Upon arrival and during case processing individuals in concern reside with other applicants in asylum seeker accommodation centres. In consequence, they are confronted with yet discrimination, harassment and marginalization again entertained by other applicants. This is substantially afforded by shared rooms and facilities that do not allow for privacy (Dolk and Schwantner, 2007: 1, 2, 3).
- Applicants have to report and gain credibility on their vulnerable status in terms of persecution in their native countries. Taking into account the

sensitive and personal topic of sexual orientation as well as traumatizing experiences with public authorities in the past and language barriers, a commission reporting on and disclosure of this feature represents a painful and oftentimes unrealisable endeavour.

- A further impediment in this process is facilitated by insufficient training of personnel. This appears to be due to the voluntary nature and low frequency of gender specific trainings for employees of the Federal Agency for Migration and Refugees.
- After acceptance asylum seekers become distributed among different communities within the national territory. This, once more, is executed without any consideration of a person's sexual orientation which potentially represents a vital dimension for continuing discrimination in rural or conservative communities in Germany.
- Finally, applications are oftentimes turned down in consideration of a "privacy rationale" inherent in one's sexual orientation. In other words, the "invisibility" of homosexuality allows for a conduct in privacy and, moreover, individual management. Both German courts and the agency regularly expect such a form of management of individuals in concern. This issue has been highlighted in different cases; one recent and most vitally discussed addresses the situation of a 31 year old Iranian woman who emigrated due to her homosexuality. However, German courts did not acknowledge her non-heterosexuality suspecting pretence in her claim. The decision based on a conversation with the applicant's mother who denied her homosexuality (Denkert, 2008). Despite massive public and political protests no further consideration took place and the woman is awaiting deportation to Iran where she was sentenced to death during her absence (Bisky, 2008).
- Within the German context, good practices on asylum and subsidiary protection in connection to non-heterosexuality have been scarce. However, some singular initiatives that pertain to the thematic field are highlighted in the following:
  - a. Amnesty International Germany, specifically the sub-division "Human Rights and Sexual Identity" (*Menschenrechte und sexuelle Identität* [MERSI]) considers the issue of asylum seeking and homosexuality. Among others, the organisation works in the field of awareness-raising as well as it follows its agenda in terms of observing and documenting human rights as intersected by migration, asylum and sexual orientation (cf. Annex 1.11).

- b. *Lesben und Asyl* is a comprehensive Internet platform that provides substantial and compact legal information on the issue of asylum for non-heterosexual women in Germany (cf. Annex 1.12).
- c. Psycho-social and legal support and advice is also facilitated by *Baraka*, a local group for lesbians and gays with migratory backgrounds in Cologne (cf. Annex 1.13).

## G. Family Reunification

[8]. Little evidence is available on the actual situations of gay and lesbians who reunite in Germany. Similar to the improvement of lesbian and gay couple relationships discussed in section D, the introduction of the civil union act in 2001 has brought about significant changes for binational couples who live as a family in Germany. In particular, these concern the basic right for the international partner to reside with her/his significant other within the country (Beck, 2006).

- However, the legal and administrative processes necessary to gain residency status for both binational heterosexual married couples and homosexual couples are hampered by structural forces. For one, couples are confronted with highly complicated procedures and distributions of authority among different players in the public field (Stöcker-Zafari, 2001). In addition, immediate contact with administrative personnel and persons in authority appears to be difficult. Specifically, a quantitative study found that 55% of the binational couples interrogated assess personnel as (very) unfriendly. Even more, 82% feel disadvantaged, discriminated against or insulted at one point or another throughout the application process (Stöcker-Zafari, 2001). Taking into account the double stigmatisation of binational non-heterosexual couples on the grounds of both sexual orientation and ethnicity on the one hand, and the absence of awareness-raising trainings in staff of federal and municipal agencies on the other (cf. section F.), the prevalence of discrimination and unequal treatment may be high despite the presence of legal mechanisms of protection.
- German law allows for stepchild adoption by the non-biological partner in a civil union (Deutscher Bundestag, 2006). In consequence, this right also applies to binational couples who are engaged in a civil union. However, adoption regulations and approval in binational same-sex couples has remained a blind spot in the provisions of civil union law as it is true with all same-sex legal partnerships in Germany.

- In sum, therefore, German law on family reunification both in regard of couples and children, as well as in terms of binational relationships is constricted and met by social and structural obstacles. Yet LGBT organisations and one German municipality have afforded substantial instruments for legal and psycho-social support. Good practices therefore pertain to the initiatives and programs below:
  - a. LSVD, the association of lesbians and gays in Germany facilitates advice and support to binational couples, asylum and homosexuality (cf. section A. and F.), as well as the diverse practices of family in non-heterosexual life formations (subsumed under “rainbow families”). Moreover, legal advice and information is provided via diverse avenues such as the Internet, telephone, personal appointments, and lectures open to the public. This is also provided with regard to the issue of civil unions. Under the wing of the LSVD, there operate the following two subdivisions (cf. Annex 1.1):
    - ILSE, initiative of lesbian and gay parents which is particularly preoccupied with adoption rights and advice
    - BINATS, groups for binational same-sex partnerships (eight throughout Germany).
  - b. The Berlin Senate Department for Education, Youth and Sports (*Senatsverwaltung für Bildung, Jugend und Sport Berlin* [SENBJ]) has published a comprehensive and informative brochure on binational same-sex couples entitled “Homo migrans” which renders helpful instructions to those in concern. Given the fact that it is afforded by a German municipality this document has remained unique in the arena of public administration of the country (cf. Annex 1.14).

## H. Education

- [9]. The period of primary education for LGBT people can be characterised as one of the most difficult phases of life – if the person is conscious of their sexual orientation – because homophobia in youth constitutes a pretty powerful issue (Barlovic, 2002). Sensitivity towards LGBT issues for example in school seems to be very low; a possibility for official complaints does not exist.

- In Germany curricula in relation to LGBT issues differ in the federal states (Bundeszentrale für gesundheitliche Aufklärung, [BZgA], 2004): Sexual orientation as a subject in school is not put on the agenda in one federal state in Germany. In two federal states homosexuality is connoted with a negative perspective and problems. In two other states it is facultative, in one state it is mentioned without any appraisal. Six curricula demand acceptance of same-sex love and in three states diversity mainstreaming including diversity in terms of sexual orientation is favoured (BZgA, 2004).

This represents a development that has evolved since 1995 because ten years ago fewer curricula included same-sex love (BZgA, 1995). However, at that time already there was a need for information: In 1994 pupils were asked, if homosexuality should be a subject in school. 75% of female and 56% of male attendants answered “yes” or “yes, extensively” (Lambda, 1994).

- A special problem seems to be given by the absence of LGBT role-models in school: Most teachers do not speak openly about their sexual orientation because they fear discrimination. Therefore, associations (male and female) for homosexual teachers in Germany have developed with the intention to provide a platform for exchange (SOR-SMC, 2007).
- Discrimination of LGBT pupils in school is relatively prevalent. More than half of gay pupils experience ridiculing or idle talk, 38.6% of gay pupils say that friends broke up friendships, 27.8% report name-calling or defamation and 7% were victims of physical injuries (NMFAS, 2001)
- For a better understanding consider the following example of discrimination in schools (Dietrich, 2005): A male pupil aged 14 thinks he could be gay but has never talked with his classmates about this issue. Nevertheless, the other pupils segregate, bully, and beat him. At the beginning of physical education his classmates constantly lock him up in another room until they have changed clothes. His teacher satirises that he always arrives late.
- The situation at university seems to be much better because the climate constitutes not as homophobic as in school. Moreover, in Germany LGBT student associations – funded by most universities – offer counselling, cultural activities, lectures etc. (Schwulenreferate, 2008).
- The situation for LGBT pupils and -students would be improved if there was diversity mainstreaming including sexual diversity mainstreaming at educational institutions which constantly refers to the possibility that girls can love girls and boys can love boys too. The need of awareness-raising is fulfilled by groups of honorary workers in Germany who organise anti-discrimination trainings (see above A. Attitude, for example *SchLAu NRW*). In particular, synergetic effects of cooperations between anti-discrimination

trainings on LGBT issues and diversity trainings seems to represent a good tool for generating sensitivity for diverse ways of living (Frohn, 2006).

- Good practices in education consist of awareness raising, public relations and qualification of teachers:
  - a. Awareness-raising and public relations: *SchLAu NRW [Schwul-Lesbische Aufklärung in Nordrhein-Westfalen, LGBT education is named in chapter A. (Attitudes)]*. Moreover, a specific project of *SchLAu* is worth mentioning: In 2008 they will grant an award called *Schule ohne Homophobie – Schule der Vielfalt [school without homophobia – school of diversity]* to schools that actively work against homophobia (cf. Annex 1.3).
  - b. Qualification of teachers and public relations: *Themenheft Diskriminierung aufgrund sexueller Orientierung und geschlechtlicher Identität von Schule ohne Rassismus – Schule mit Courage [booklet discrimination on the ground of sexual orientation and gender identity by school with courage – school without racism]*. This booklet provides information on many aspects of sexual orientation, it gives suggestions for education and offers more literature and contact persons/organisations (cf. Annex 1.15).
  - c. Qualification of teachers: *Handbuch mit Vielfalt umgehen – Sexuelle Orientierung und Diversity in Erziehung und Beratung [Different in more ways than one: Providing guidance for teenagers on their way to identity, sexuality and respect]* is a manual which was made by a European project-team called *TRIANGLE* (Transfer of Information to Combat Discrimination Against Gays and Lesbians in Europe) consisting of representatives from five countries. The team set out to develop a manual for educators and counsellors on how to deal with lesbian, bisexual and gay issues in multicultural contexts (cf. Annex 1.16).

## I. Health Service

- [10]. The German Health Care System constitutes a prior instance of heteronormative operations within institutions. In particular, German Health Care companies do not provide specifically tailored insurance packages to LGBT people and their

needs, let alone do they or other health institutions like medical centres, pharmacies, or homes acknowledge the existence of non-heterosexual clientele. Whereas some singular pharmacies and doctors have gained a specialisation in the arena of LGBT health most practices are based on the assumption of universal heterosexuality.

- In consequence, Stein-Hilbers and Holzenbecher in their study attest 43% of non-disclosure in lesbian women when consulting medical services (1999). What is more, 6.5% of respondents experience a therapeutic or counselling setting where explicit advice is voiced to “change” one’s sexual orientation into dominant heterosexuality. In addition, a number of 2.8% of the lesbian sample is denied visitation rights for their partners in hospital. Homophobic reactions on the side of medical personnel and doctors as a response to self-definitions as lesbian is experienced by another 8.4% of the study participants. An even higher percentage of 15% with regard to the latter was found by Dennert (2004).
- Psychiatric and psycho-therapeutic care mark a further arena of insufficient sensitisation and training for LGBT health issues, and general acceptance of non-heterosexual lifestyles in Germany. Seyler (2004) and Wolf (2006), for instance, note on the absence of a fundamental positive attitude towards and basic knowledge of the lived experiences of lesbian women in the field of psychotherapy. This, moreover, is also substantiated by general negative conceptualisations of non-heterosexuality that have prevailed from the history of the given discipline. However, in 1993 the German Association of Lesbian and Gay Psychologists (*Verband lesbischer Psychologinnen und schwuler Psychologen* [VLSP]) was founded which actively seeks affirmative theorisations on homosexuality and a transformation of public attitudes (VLSP, 2008).
- Another important pillar of LGBT health concerns HIV/AIDS. Throughout Germany 120 local centres have been established for psycho-social support of persons in concern and the prevention of HIV/AIDS and other STDs (*Bundesministerium für Gesundheit*, [BMG], 2007). These *Aids-Hilfen* particularly campaign for and tailor provisions to gay men and other (sexual) minorities. Moreover, the German Federal Government drafted an action plan for the realisation of national strategies to combat HIV/AIDS (*Aktionsplan zur Umsetzung der HIV/AIDS-Bekämpfungsstrategie der Bundesregierung* 2007) which make explicit reference to anti-discrimination of minorities as embedded in the AGG (the German implementation of EU Directive 2000/76/EC). Therefore, different treatment in regard to health concerns and health insurance in connection to HIV/AIDS on the grounds of sexual orientation is specifically identified by the report as targets for change (BMG, 2007, 26). In other words, there has evolved an awareness in the German political realm for issues of sexual orientation, health and discrimination.

- General attitudes of the public towards persons with HIV/AIDS have been found to be both affirmative and stable (BZgA, 2006). In a comprehensive and representative study on these attitudes undertaken by the Federal Agency for Health Education (*Bundeszentrale für gesundheitliche Aufklärung*) 95% of respondents reject any form of marginalisation of individuals infected with HIV/AIDS. However, it remains questionable to what extent the presented findings apply to cases of non-heterosexuality since findings on the attitudes towards homosexual individuals in Germany draw a less positive picture (cf. Simon, 2007, section A. Attitudes towards LGBT people).
- Good practices:
  - a. Local support centres offer substantial support for non-heterosexual persons with HIV/AIDS. Furthermore, outreach, prevention campaigns, and awareness-raising are facilitated by these institutions which contribute to the establishment of a more positive and supportive environment (cf. Annex 1.17).
  - b. The federal government action plan on HIV/AIDS represents a comprehensive instrument for the improvement of the health care system for those infected and affected by HIV/AIDS with a particular consideration of sexual orientation (cf. Annex 1.18).

## J. Religion

[11]. Findings concerning religion refer to Protestant and Catholic Christian Church since most people in Germany belong to these belief systems.

- There are examples of homophobia on the level of official church institutions, the level of local communities, and the personal level:

Personal level: Joachim cardinal Meissner, archbishop of archbishopric Cologne is known to be a “hardliner” concerning LGBT issues (Prof. Johannes Brodesser, Catholic theologian at the University of Cologne). With reference to homosexuality Meissner said: If such ways of sexual contact would have been considered, God would have created human beings in a different way (Bürger, 2001: “Der Schöpfer hätte den Menschen anders konstruieren müssen, wenn auch solche Formen der Sexualität gedacht worden wären”).



Level of local communities: *Kolpingwerk* is a Catholic social organisation founded by Adolph Kolping with a main focus on education (for example children's homes, youth centres etc.). Organisations with denominational structure are exempt from anti-discrimination law. As a consequence, Kolpingwerk tendered notice of cancellation to a 53 years old gay employee because his supervisor got to know his sexual orientation (Welt Online, 2007).

Level of official church institutions: *Christival* a congress for young Christians that operates independent from any denomination. One workshop entitled "Understanding homosexuality – a chance for transformation" ("Homosexualität verstehen – Chance zur Veränderung") is supposed to help young homosexuals to reduce homosexual feelings (Deutscher Bundestag, 2008). Such ideas on a therapy of homosexuality were en vogue in the 1950s and thus are not science-based anymore. Quite the contrary: especially the identification process of LGBT people is a very difficult development task. Interventions as offered in the workshop have the power to facilitate suicide in young people since they significantly destabilise the living situations of participants. In the meantime the workshop was cancelled because of interventions by the media and political debates among organisations or communities (for example the Green Party, LSVD etc.).

- Some Christian congregations, however, embrace non-heterosexuality as a meaningful identity. In particular, German Protestant churches find their ethics congruent with non-heterosexual ways of living, especially homosexual couple relationships. For this reason, Protestant congregations perform blessings of homosexual couples as a religious response to civil union law (Evangelische Kirche in Deutschland [EKD], 2002). In general, Protestant belief systems do not conceive of homosexuality as either illness or sin and, moreover, cohere this with Scriptum. Another instance of religious affirmation is given by the Metropolitan Community Church (MCC) which was founded in the United States by a gay priest in the 1960s. It has made some advances in Germany and currently operates four large communities in Hamburg, Stuttgart, Köln and Frankfurt. The MCC also performs commitment rituals and blessings for non-heterosexual couples (LSVD, 2008c). Finally, the association *Homosexualität und Kirche* [HuK] (homosexuality and the churches) strives for a general process of inclusion and acceptance of LGBT people in the religious realm (Homosexualität und Kirche, 2002). This also covers an examination of German religious conservative forces including the potentiality for dialogue and softening of these firm resistances against LGBT persons. The association, moreover, operates different local groups that are dispersed over Germany.

## K. Sports

[12]. Football represents a worthwhile vantage point for a detailed discussion on non-heterosexuality, homophobia and sports in Germany. There are three interconnected reasons for this: For one, football is a national discipline with a widespread and substantial popularity. Second, due to its entanglement with notions of hegemonic masculinity football players and fans are found to be heavily homophobic. Third and in contradistinction, both lesbian and gay football clubs, queer fan clubs and initiatives of support have emerged recently which help pondering the difficult status quo of prejudice and discrimination in sports.

- In consideration of the second aspect Eggeling notes that football renders the clearest instance of homophobia in sports within the German context (2006). Moreover, the cultural scientist states that “football still belongs to the most conservative realms of German society alongside Catholic Church” (Ahrens, 2007a). In consequence, non-heterosexuality has remained silenced in and “other” to the discipline of football. This fact is further substantiated by the masculine esprit of football and its function for male socialisation (Walther, 2006). As a team sports, gay football players in particular represent a threat to heteronormative conceptions of the discipline, potentially undermining the “proper” behaviour on the field and in the locker room. It is thus no wonder that gay professional players have remained closeted and under intense psychological pressure of coverage (Lück & Schäfer, 2006). What is more, defamatory language and homophobic slogans articulated by fans in order to ridicule the referee or the opposing team represent constituents of almost every mainstream, large-sized football event (Walther, 2006).
- For women, and lesbian women in particular, the masculinisation of football plays out differently, i.e. in the guise of sexism. Therefore, women are not taken seriously in their capacity to participate in such a rough, aggressive and physical game (Walther, 2006). At the same time, however, precisely these features of the game accommodate an escape from traditional female gender roles in women who play football.
- Because of the hostile atmosphere that dominates in German football lesbians and gays have created their own niches; non-heterosexual football clubs cater to the sports spirit of these marginalised groups. Moreover, a number of 11 non-heterosexual fan clubs have emerged in Germany who are explicit about their sexual orientation and yet joining major games in potentially homophobic stadium settings (queer football fan clubs, 2008).
- Finally, some hints of transformation have evolved in dominant heteronormative football culture. In October 2007 the German Football Confederacy (*Deutscher Fußball Bund*, [DFB]) launched a campaign on

“football and homophobia” as a response to the discriminatory practices vital in mainstream sports (Ahrens, 2007b). During an initial meeting the Confederacy signed a declaration against discrimination on the grounds of sexual orientation. Furthermore, three clubs include anti-sexist provisions in their stadium regulations in 2006 (Walther, 2006). The illustrated case of football is comparable to many other (team) sports in Germany. Therefore, homophobia and non-disclosure have conserved taken-for granted assumptions on the universality of heterosexuality in all realms of sports.

## L. Media

[13]. An overall assessment on the plurality of media representations of LGBT people and related themes and issues in Germany constitutes a challenging endeavour. However, considering the assessment of media representations in LGBT people themselves gives rise to some noteworthy findings:

- In regard of the crucial axis of in/visibility respondents in a study on LGBT TV representations attest too little media presence; about 63% think that non-heterosexuality still marks a taboo (Jung, 2003). In a similar vein, Maier notes that there is hardly any problematisation of either heteronormativity or the depiction of homosexuality in German TV (2005, 43). What is more, 74% of respondents believe that an increase in media representations would facilitate a heightened awareness on the existence of lesbians and gays in German society, and consequently another 70% expect an educational function from this increase (Jung, 2003). A basic democratic consideration is voiced by 81% in corroborating that lesbians and gays constitute an important proportion of German society and thus deserve an appropriate depiction. With regard to the latter, another study found that LGBT people are discontent about concrete forms of LGBT representations on German TV: 62% of respondents diagnose distorted portrayals of lesbian and gay lifestyles (Stuber, 2003).
- German media are suffused by stereotypical representations of non-heterosexuality. Whereas German print media and the Internet cater to a non-heterosexual audience and hence draw a more differentiated picture, mainstream TV capitalises on clichés and stereotypes (Walters, 2001). In addition, some TV series (hetero)normalise lesbians and gays (Maier, 2005). In general, the extent of stereotypification apparently depends on the format of the show and its standards (Jung, 2003).
- Moreover, because positive attributed role models are very supportive for self identification it is important to get to know examples of likable LGBT people in media. Moreover, a natural openness of the role models concerning their sexual orientation can help people to develop a positive

self-perception including sexual orientation. Good examples in German media are Anne Will, Volker Beck, and Klaus Wowereit.

Anne Will is a well-known moderator and specialised journalist for political debates in German public television and has won a lot of journalist-awards (Das Erste, 2008). Her coming out took place in November 2007 (Süddeutsche Zeitung, 2007).

Volker Beck is a member of parliament (*Deutscher Bundestag*) for the Green Party in Germany since 1994. He has become involved with LGBT issues since 1990 and lives in a gay live partnership (Beck, 2008).

Klaus Wowereit is Governing Mayor of Berlin for the Social Democratic Party (SPD) since 2001 (Wowereit, 2008). In the election campaign he became famous because he said “I am gay – and that’s fine!” (“Ich bin schwul – und das ist gut so!,” Süddeutsche Zeitung, 2001).

- In contrast to these positive examples in Germany there are instances of hate speech too:

Dieter Bohlen, member of the selection committee of a German private television singing contest (“Deutschland sucht den Superstar”) and well-known for defamatory statements called a participant “fag, singing like a pig!” (“Vollschwuchtel, singt wie ein Schwein!”, RTL, 2008).

*Junge Union* (JU, the youth organisation of the conservative party in Germany) recently published a press release (JU Karlsruhe, 2008) on LBGT-family-issues: statements like “aggressive threat to the child’s well-being” (“Kindeswohl und deren aggressive Bedrohung,” Andreas Reifsteck) or “mental disorders in child development,” “uncertainty of choice of partner” (“seelische Entwicklungsstörungen,” “Unsicherheiten in der späteren Partnerwahl,” Bettina Meier-Augenstein) show homophobic attitudes and distinct stereotypes.

- Moreover, there have been three relatively big media stories related to LGBT issues during the last year:

*Handelsblatt*, a big German trade paper published an extensive article (Handelsblatt, 2007) referring to the latest study concerning LGBT issues in the workplace (Frohn, 2007).

*Stern*, a large-scale German journal published in 2008 an extensive story, with diverse articles. The cover was titled “Mum, I’m gay.” (“Mama, ich bin schwul”, Stern, 2008). Unfortunately, the story focuses on gay sons ignoring the situation of lesbian daughters. Yet the journal receives much public attention.

*ZDF*, one of the biggest German public television companies broadcasted a TV-story concerning LGBT issues in February 2008. LGBT issues were presented in diverse ways, for example LGBT families. Contact details for organisations or counselling possibilities were mentioned too (*ZDF*, 2008).

## M. Transgender persons

- [14]. Despite their special situation, issues of transgender and/or transsexual persons are commonly subsumed under anti-discrimination-settings that consider sexual orientation. Although – under particular scrutiny – trans-issues belong to issues with regard to gender and sex but less so in terms of sexual orientation. Therefore, whereas trans-people experience discrimination on the ground of gender and/or sex, they are not discriminated against as lesbian or gay.

At first, it is important to give a short definition:

A: Intersexual people: persons with sexual characteristics belonging to both sexes, so one cannot say this is a boy/man or a girl/woman.

B: Transsexual/Transidentity people: persons who feel that they do not conform with their biological sex. As a result, there exists the desire for being a person of the opposite sex.

C: Transgender people: persons, who do not conform with their biological sex and/or gender and decide to live between the classical binary category of sex and/or gender.

In the following, especially transsexual and transgender issues will be discussed (based on an interview with an expert concerning trans-issues: Recla, 2008). It is important to note that trans-people recently have gone public with their special situation earlier than ever before and there appears to be a process of diversification within trans-cultures. In particular, for trans-people the Internet has become a very important medium for exchange, communication and counselling. Moreover, there are some “real-live”-organisations in the big cities in Germany: for instance Berlin, Hamburg, Munich, and Cologne.

Important areas with regard to trans-issues:

Anti-discrimination law: Implementing discrimination on the ground of trans-issues would be helpful in order to develop more self assurance in case of discrimination.

National transsexual law: Transgender network Berlin (TGNB, 2006) intends to [...] “establish an easier possibility for a name change and the possibility of a sex change similar to the British law, this particularly means no infertility

condition and no mandatory sex reassignment surgery for the sex change in the legal papers” [...].

Standards of Care with regard to the re-assignment process: In comparison to other European countries the standards seem to be of relatively high quality, but modernisation is necessary in some ways. For example, personal competence of those in concern needs to be more respected and the diverse lifestyles of transsexual and transgender people should be considered more comprehensively (Recla, 2008).

- Good practice
  - a. “Young T – Where you’re always welcome!” Homepage for young trans-people, family members, and friends. The objective is to offer information, exchange with people in similar situations, and finding friends (cf. Annex 1.19).
  - b. ABqueer and its peer-to-peer-project “in between” for counselling in the field of transsexual and transgender issues (cf. Annex 1.20).

## N. Multiple discrimination

[15]. Multiple discriminatory practices need to be discussed with respect to intersections of ethnicity, religion, age and disability with the dimension of sexual orientation.

- LGBT people with ethnic and/or religious minority backgrounds:

In regard to ethnicity and migration to Germany, LGBT people experience considerable obstacles and discrimination (cf. section F. Asylum and Subsidiary Protection). This is because they represent "otherness" both in terms of sexual orientation and ethnicity. When coming from a non-Western culture LGBT persons in concern oftentimes experience additional pressure, discrimination and harassment from inside the respective migrant communities in Germany which is due to an even higher degree of unfamiliarity and hostility towards homosexuality in the countries of origin. For instance, Muslim communities and Christian orthodox communities harshly oppose both lesbian and gay identities (Homosexualität und Migrationsfamilien, 2008). The precarious personal situations that potentially arise thereof are somewhat remedied by LGBT projects and initiatives that facilitate psycho-social support.

- LGBT youth:

Coming out age decreases (NMFAS, 2001; SENSJS, 2001; Watzlawik, 2003). As a consequence, coming out now often occurs when the gay, lesbian or bisexual youth is still living with his/her parents and/or is in school. Treatment of LGBT people throughout coming out in their families see above (D. Family); situation in school etc. see above (H. Education).

The fact that coming out takes place earlier is not equivalent with an easier self-discovery process: coming out generates severe psychological stress (Frohn, 2005; NMFAS, 2001; SENSJS, 2001; Watzlawik, 2003). Specifically, earlier coming out seems to afford special problems: The younger the LGBT person is, the more challenging is the process to anticipate the reaction of people confronted with coming out. Possible discrimination by peers, for example, is often not foreseen. Maybe this factor can explain why disclosure of LGBT persons in the workplace aged twenty – as a consequence of experienced discrimination in school or by peers – is not as high as disclosure of people aged 35-50 years (Frohn, 2007).

Nevertheless, it is important to stress that today there is more support within LGBT youth groups or specific LGBT youth centres and counselling for the target group (face-to-face or especially online, SOR-SMC, 2007).

- LGBT elders:

There are only few studies concerning LGBT issues and elders but the specific situation of elderly gays, lesbians etc. seems to be difficult. Elder LGBT people experienced a hindered coming out or have experienced non at all: In National Socialism LGBT people were persecuted and after the Second World War §175 of the German penal code had victimised gay men until 1969, and in a less massive mode until 1994. A specific form of reparation has not taken place (Hutter, 2002; Stümke, 2002).

Experts on the special situation of elder LGBT people (Ministerium für Gesundheit, Soziales, Frauen und Familie des Landes Nordrhein-Westfalen [MGSFF], 2003) report in interviews that the following aspects differ for elder LGBT people:

The difficult history of discrimination of LGBT people in Germany has generated more secrecy on sexual orientation in elder generations (MGSFF, 2003).

The higher rate of people who did not go public renders elders more vulnerable to social isolation and associated psychological stress (MGSFF, 2003).

Beauty ideals in gay scenes focus on youth and youthful appearance. Therefore, equal participation of elder homosexual men is not easy (MGSFF, 2003).

The next findings are based on an interview with an expert on issues in the elderly (Brauckmann, 2008): Fighting the risk of social isolation, groups/networks of elder gays and lesbians (for example “Golden Girls” or “Golden Gays” in Cologne) have developed. Often they organise meetings with persons who are not able to leave their homes anymore. In some federal states in Germany these projects have been funded by government.

A specific difficulty of elder LGBT people emerges when it becomes necessary to live in a residential home for the elderly or in a nursing home. Often LGBT persons then are confronted with old stereotypes and discrimination against by staff and by other residents. Awareness-raising in this context constitutes an absolute necessity, for instance by the implementation of “care for LGBT senior citizens” as a topic in the curricula of geriatric care.

In general, it is of importance to remark that the care for senior citizens has been in progress since 1990 because the generation of the first LGBT emancipation movement has grown older and hence more sensitive towards the special situation of elderly people.

- Disabled LGBT people:

“The possibility to realise their live according to their own conception is restricted for members of every minority, for example LGBT people or disabled people. These restrictions do potentise for a minority living in a minority: disabled LGBT people.” (Peters & Schnier, 2008).

Ulbricht (2003) draws a similar conclusion, i.e. that disabled LGBT people double discriminated against, stigmatised and excluded.

Specific problems are identified in regard to the care of disabled people, LGBT scenes, and in the area of intimate relationships:

Care of disabled people: Leaving disabled people’s home to meet other LGBT people is difficult for disabled LGBT persons – especially if no going public is desired. In particular, the sexuality of disabled LGBT people seems to be an ignored subject within the field of care for disabled people (Rattay, 2007).

Discrimination in LGBT scenes: Within LGBT scenes a barrier free infrastructure (i.e. bars, cafes or the Internet) of accessibility for disabled LGBT people is not guaranteed. Moreover, disabled LGBT people



sometimes feel discriminated against by other LGBT people without disabilities.

Choice of partner: Restricted mobility (see care for disabled people) and discrimination in LGBT scenes complicate making contacts with potential partners.

## O. Good practices

- [16]. A substantial discussion of good practices in regard of the thematic sub-chapters is given in each section. Moreover, for a concise overview on good practices please consult the annex.

## P. Other areas of concern

- [17]. In general, it is important to stress that there are gaps regarding information, data etc. on the situation of lesbian, bisexual, and trans-issues. Research, sensitivity etc. concerning gay issues have remained insufficient as well; however, the other areas of concern are often marginalised to a much higher degree.

In addition, another paramount consideration constitutes the discrimination executed not only by the heteronormative majority but brought about by LGBT minorities themselves: Unfortunately, bisexuals and trans-persons experience discrimination afforded by gay men and lesbian women, and lesbian women themselves experience gender-based discrimination in patriarchal structures. These features need to be taken into consideration for future research and policy-making.

Finally, a pivotal anchor point for homophobia, discrimination and sexual orientation that is unique to the German situation is given by the nexus between the Third Reich and homosexuality (cf. section B.). Lately, a controversial public debate has emerged on the realisation of a memorial for lesbian and gay victims of Nazi persecutions (LSVD, 2007). In particular, issues unfold around forms of representation and the question whether both lesbian and gay people had been deported to and killed in concentration camps and, moreover, to what extent. Therefore, this particular dark momentum of German history hints at the importance of awareness and sensitivity towards discrimination against any form of otherness both within Germany and within the EU. What is more, given the controversies on whom to include in collective processes of commemoration contemporary debates further substantialise the existence of divides among LGBT people themselves. However, despite all differences in terms of sexual orientation, gender, sex, nationality, ethnicity, race, religion, age, physical or

mental disability (...) we all should try to bridge social, cultural and legal gaps and critically interrogate taken-for-granted assumptions and beliefs. Hopefully, this report can contribute.

# Annex

## Q. References

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